

IC 20-28-8

Chapter 8. Contracts With School Administrators

IC 20-28-8-1

School principal's and administrative assistant's contracts

Sec. 1. A school corporation may provide in the contract of a principal or of any of the principal's administrative assistants compensation for services performed for a time, either before or after the school term, as considered necessary by the governing body.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-2

School principal's and administrative assistant's contracts; conditions

Sec. 2. A contract of employment shall be entered into between the governing body of the school corporation and a principal or assistant principal subject to the following conditions:

(1) The basic contract must be the regular teacher's contract as prescribed by the state superintendent.

(2) The term of the initial contract must be the equivalent of at least two (2) school years.

(3) The contract may be altered, modified, or rescinded in favor of a new contract at any time by mutual consent of the governing body of the school corporation and the principal or assistant principal, if the contract, when reduced to writing, is consistent with this chapter.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-3

Assistant superintendent, principal, and assistant principal contracts; renewal or refusal to renew; written notice

Sec. 3. (a) Before March 1 of the year during which the contract of an assistant superintendent, a principal, or an assistant principal is due to expire, the governing body of the school corporation, or an employee at the direction of the governing body, shall give written notice of renewal or refusal to renew the individual's contract for the ensuing school year.

(b) If notice is not given before March 1 of the year during which the contract is due to expire, the contract then in force shall be reinstated only for the ensuing school year.

(c) This section does not prevent the modification or termination of a contract by mutual agreement of the assistant superintendent, the principal, or the assistant principal and the governing body.

As added by P.L.1-2005, SEC.12. Amended by P.L.253-2013, SEC.2.

IC 20-28-8-4

Written preliminary notice that governing body considering not renewing contract; private conference

Sec. 4. (a) At least thirty (30) days before giving written notice of refusal to renew a contract under section 3 of this chapter, the

governing body, or an employee at the direction of the governing body, shall inform the assistant superintendent, the principal, or the assistant principal by written preliminary notice that:

(1) the governing body is considering a decision not to renew the contract; and

(2) if the individual files a request with the school corporation for a private conference not later than five (5) days after receiving the preliminary notice, the individual is entitled to a private conference with the superintendent of the school corporation.

(b) If the individual files a request with the school corporation for an additional private conference not later than five (5) days after the initial private conference with the superintendent of the school corporation, the individual is entitled to an additional private conference with the governing body of the school corporation before being given written notice of refusal to renew the contract.

(c) The preliminary notice required under this section must include the governing body's reasons for considering a decision not to renew.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-5

Consideration of ISTEP test scores in evaluation of principal's performance

Sec. 5. The evaluation of a principal's performance may not be based wholly on the ISTEP program test scores under IC 20-32-5 of the students enrolled at the principal's school. However, the ISTEP program test scores under IC 20-32-5 of the students enrolled at a principal's school may be considered as one (1) of the factors in the evaluation of the principal's overall performance at the school.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-6

Superintendent contracts

Sec. 6. A contract entered into by a governing body and its superintendent is subject to the following conditions:

(1) If the superintendent holds a license under IC 20-28-5, the basic contract must be in the form of the regular teacher's contract.

(2) The contract must be for a term of at least thirty-six (36) months.

(3) The contract may be altered or rescinded for a new one at any time by mutual consent of the governing body and the superintendent. The consent of both parties must be in writing and must be expressed in a manner consistent with this section and sections 7 through 8 of this chapter.

(4) If the superintendent holds a license under IC 20-28-5, the rights of a superintendent as a teacher under any other law are not affected by the contract.

As added by P.L.1-2005, SEC.12. Amended by P.L.167-2013, SEC.6.

IC 20-28-8-7**Superintendent's contract; termination**

Sec. 7. A superintendent's contract terminates on the following dates and under the following conditions only:

- (1) On any date, if the governing body and the superintendent mutually consent.
- (2) Before the expiration date set forth in the contract, if the governing body terminates the contract:
 - (A) for cause under a statute that sets forth causes for dismissal of teachers, if the superintendent is licensed under IC 20-28-5; or
 - (B) for:
 - (i) immorality;
 - (ii) misconduct in office;
 - (iii) incompetency; or
 - (iv) willful neglect of duty;

if the superintendent is not licensed under IC 20-28-5.

However, the governing body must give the superintendent proper notice and, if the superintendent requests a hearing at least ten (10) days before the termination, must grant the superintendent a hearing at an official meeting of the governing body.

(3) On the expiration date set forth in the contract, if the governing body not later than January 1 of the year in which the contract expires gives notice to the superintendent in writing, delivered in person or by registered mail.

(4) On the expiration date set forth in the contract, if the superintendent not later than January 1 of the year in which the contract expires gives proper notice in writing to the governing body.

As added by P.L.1-2005, SEC.12. Amended by P.L.167-2013, SEC.7.

IC 20-28-8-8**Superintendent's contract; extension**

Sec. 8. If the governing body fails to give a termination notice under section 7(3) of this chapter, the superintendent's contract is extended for twelve (12) months following the expiration date of the contract.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-9**Director of special education; compensation for services before or after school term**

Sec. 9. A managing body may provide in the contract of a local director compensation for services performed for a time, either before or after the school term, as considered necessary by the managing body.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-10

Director of special education; conditions for employment contract

Sec. 10. A contract of employment shall be entered into between the managing body and a local director subject to the following conditions:

- (1) The basic contract must be the regular teacher's contract as prescribed by the state superintendent.
- (2) The minimum term of the initial contract must be the equivalent of two (2) school years.
- (3) The contract may be altered, modified, or rescinded in favor of a new contract at any time by mutual consent of the managing body and the local director if the written contract is consistent with this chapter.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-11**Director of special education; expiration of contract; reinstatement; modification or termination**

Sec. 11. (a) Before February 1 of the year during which the contract of a local director is due to expire, the managing body, or an employee at the direction of the managing body, shall give written notice of renewal or refusal to renew the local director's contract for the ensuing school year.

(b) If notice is not given before February 1 of the year during which the contract is due to expire, the contract then in force is reinstated only for the ensuing school year.

(c) This section does not prevent the modification or termination of a contract by mutual agreement of the local director and the managing body.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-12**Director of special education; nonrenewal of contract; notice; private conference**

Sec. 12. (a) At least thirty (30) days before giving written notice of refusal to renew a contract under section 11 of this chapter, the managing body, or an employee at the direction of the managing body, shall inform the local director by written preliminary notice that:

- (1) the managing body is considering a decision not to renew the contract; and
- (2) if the local director files a request with the managing body for a private conference not later than five (5) days after receiving the preliminary notice, the local director is entitled to a private conference with the superintendent, president, trustee, or other head of the managing body.

(b) If the local director files a request with the managing body for an additional private conference not more than five (5) days after the initial private conference with the superintendent, president, trustee, or other head of the managing body, the local director is entitled to an additional private conference with the managing body before

being given written notice of refusal to renew the contract.

(c) The preliminary notice required under this section must include the managing body's reasons for considering a decision not to renew.

As added by P.L.1-2005, SEC.12.